

80-891648  
Section H

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

14

Application Number	09/909,363
Filing Date	July 19, 2001
First Named Inventor	Andrew L. FELDHAUS
Group Art Unit	1648
Examiner Name	To Be Assigned
Attorney Docket No.	226272003802

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form - in duplicate	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	* Response to Notice to Comply with Requirements for Patent ... (2 pgs)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	* Paper copy of Sequence Listing (5 pgs)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	* CRF of Sequence Listing
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	* Copy of Notice to Comply with Requirements for Patent ... (2 pgs)
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		* Return receipt postcard

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Catherine M. Polizzi Morrison & Foerster, LLP 755 Page Mill Road Palo Alto, CA 94304
Signature	
Date	October 18, 2001

### CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

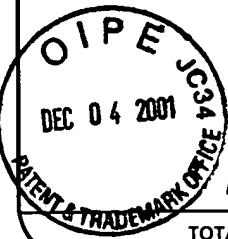
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Denise Lade

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# FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$55)

## Complete if Known

Application Number	09/909,363
Filing Date	July 19, 2001
First Named Inventor	Andrew L. FELDHAUS
Examiner Name	To Be Assigned
Group Art Unit	1648

Attorney Docket No. 226272003802

## METHOD OF PAYMENT

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952

Deposit Account Name Morrison &amp; Foerster LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$55)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Catherine M. Polizzi	Registration No. (Attorney/Agent)	40,130	Telephone	(650) 813-5651
Signature	<i>Catherine M. Polizzi</i>			Date	October 18, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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pa-634923



PATENT  
Docket No. 226272003802

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*Denise Lade*

Denise Lade

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Andrew L. FELDHAUS

Serial No.: 09/909,363

Filing Date: July 19, 2001

For: TRANSCRIPTIONALLY-ACTIVATED  
AAV INVERTED TERMINAL REPEATS  
(ITRS) FOR USE WITH RECOMBINANT  
AAV VECTORS

Examiner: To Be Assigned

Group Art Unit: 1648

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO  
ACID SEQUENCE DISCLOSURES**

BOX SEQUENCE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This communication is in response to a "Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures" dated August 13, 2001.

Remarks

The printed Sequence Listing is identical to the Sequence Listing submitted in machine-readable form. The Sequence Listing is identical to the Sequence Listing submitted in U.S. Serial No. 08/955,400, filed October 21, 1997.

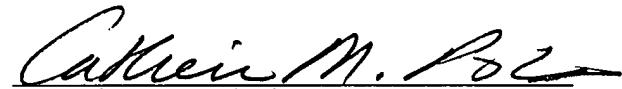
This paper is submitted to comply with the United States Patent Office rules governing gene sequences. No new matter is added.

In the unlikely event that the fee transmittal is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our **Deposit Account No. 03-1952**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: October 18, 2001

By:

  
Catherine M. Polizzi, Ph.D.  
Registration No. 40,130

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5600  
Facsimile: (650) 494-0792



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/909,363	07/19/2001	Andrew L. Feldhaus	226272003802

## CONFIRMATION NO. 5021

## FORMALITIES LETTER



\*OC00000006413648\*

Catherine M. Polizzi  
 Morrison & Foerster LLP  
 755 Page Mill Road  
 Palo Alto, CA 94304

Date Mailed: 08/13/2001

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
 CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
 DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE